

REMARKS:

The preceding claim amendments and the following remarks are submitted as a full and complete response to the Office Action issued on May 11, 2009. Claims 4-7 have been withdrawn without prejudice or disclaimer. Claim 8 has been amended to improve diction and also to remove the unnecessary intended use of the pharmaceutical composition. No new matter has been added. Accordingly, claims 1-3 and 8 are pending. Reconsideration of all outstanding rejections is respectfully requested in view of the following remarks.

Rejections under 35 U.S.C. §102(a) and 35 U.S.C. §103

The Patent Office has rejected claims 1-3 and 8 under 35 U.S.C. §102(a) as being anticipated by Park et al., J. Kor. Pharm. Sci., Yakche Hakhoechi, June 2003, vol. 33(2): 105-112 ("Park"). The Patent Office has further rejected claims 1-3 and 8 under 35 U.S.C. §103(a) as being obvious over Park. Applicants respectfully traverse these rejections.

Applicants respectfully submit that the thione derivatives as claimed in claims 1-3 and the pharmaceutical composition of claim 8 which comprises a therapeutically effective amount of the thione derivative or the non-toxic salt thereof according to claim 1, were conceived and reduced to practice in Korea, a WTO country, prior to the publication date of Park, June 2003. More specifically, Applicants submit a copy of an English translation of Korean patent application No. 2002-0070450 (the "450 Korean Application"), which is a Korean counterpart of the present application. See Attachment

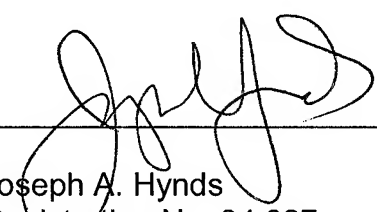
A. Applicants respectfully submit that the '450 Korean Application was prepared and filed before the Korean Intellectual Property Office prior to the publication date of Park, June 2003. The inventors of the present application and the '450 Korean Application are the same. More specifically, the '450 Korean Application contains 82 working examples that show 82 different thione derivatives that are covered by claims 1-3. Thus, these thione derivatives were actually synthesized and tested to confirm their synthesis. Applicants respectfully submit that the synthesis of these thione derivatives, as shown in the '450 Korean Application, are sufficient to establish that the thione derivatives of claims 1-3 were conceived and reduced to practice prior to the publication date of Park, June 2003. The '450 Korean Application also provides detailed descriptions of the non-toxic salts of the thione derivatives and the pharmaceutical composition that contains these thione derivatives or their non-toxic salts according to claim 1. See page 4, line 25 to page 5, line 9; and page 10, line 7 to page 12, line 25. These detailed descriptions also evidence that the conception and reduction to practice of (1) the non-toxic salts of the thione derivatives of claim 1 and (2) the pharmaceutical composition comprising the thione derivatives or their non-toxic salts according to claim 1, were also made prior to the publication date of Park, June 2003. Therefore, Applicants respectfully submit that Park is not qualified as prior art to the rejected claims. Since Park is the only reference cited in the outstanding rejections, Applicants respectfully submit that removing Park as prior art warrants reconsideration and withdrawal of both of the anticipation and obviousness rejections.

In light of the foregoing, Applicants submit that all outstanding rejections have been overcome, and the instant application is in condition for allowance. Thus, Applicants respectfully request early allowance of the instant application. The Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-2135.

Respectfully submitted,

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By: _____


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